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Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies

2. In 2017, 2015 and 2014, respectively, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child encouraged Germany to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[1] In 2017, the Working Group of Experts on People of African Descent recommended that Germany ratify the Convention.[2]

3. The same Working Group and the Committee on the Rights of the Child recommended that Germany ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[3]

4. Germany made regular voluntary contributions to support the work of the Office of the United Nations High Commissioner for Human Rights and to trust funds administered by the Office.[4]

III. National human rights framework

5. The Working Group of Experts on People of African Descent recommended that Germany adopt legislation to combat racism, racial discrimination, xenophobia and related intolerance and that it amend the General Equal Treatment Act to include structural racial discrimination committed by the State.[5]

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6. The same Working Group recommended that Germany expand the mandate of the German Institute for Human Rights to include the reception of complaints of human rights violations committed by agents of the State.[8]

7. The Committee on the Elimination of Discrimination against Women expressed concern about the use of arms exported by Germany, including in conflict zones, and the inadequate monitoring by arms-producing corporations of the use of their arms in the context of violence against women, in line with its obligations under the Arms Trade Treaty. It was also concerned that the small arms principles did not mention gender-based violence as a ground for denying an export licence and recommended that German legislation regulating arms export control be harmonized in line with article 7 (4) of the Arms Trade Treaty and the Council Common Position 2008/944/CFSP of the European Union. It also recommended that, before export licences were granted, comprehensive and transparent assessments be conducted of the impact that the misuse of small arms and light weapons would have on women, including those living in conflict zones.[9]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[10]

8. The Working Group of Experts on People of African Descent recommended that Germany implement the National Action Plan against Racism, with a focus on eliminating structural racial discrimination in all spheres.[11]

9. While noting the justified concerns of Germany and the action it had taken to combat anti-Semitism, the Committee on the Elimination of Racial Discrimination was concerned that Germany was not adequately addressing other forms of racial discrimination, including institutional racism against Muslims. It was also concerned at the discrimination experienced by women from minority groups and the intersection between discrimination against lesbian, gay, bisexual, transgender and intersex persons and racial discrimination.[12] The Working Group of Experts on People of African Descent was concerned about the human rights situation of people of African descent, whose lives were marked by racism but who were not officially recognized as a group particularly exposed to racism.[13]

10. The Committee on the Elimination of Discrimination against Women expressed concern that the General Act on Equal Treatment (2006) remained limited in scope and failed to protect women comprehensively from gender-based discrimination.[14] Furthermore, it expressed concern at the absence of a comprehensive national gender equality strategy, policy or action plan to address the structural factors perpetuating gender inequalities.[15]

11. The same Committee called for the realization of substantive gender equality, in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, throughout the process of implementation of the 2030 Agenda for Sustainable Development.[16]

12. The Committee expressed concern that stereotyped and sexualized images of women continued to appear in the media and advertisements and that stereotyped media portrayals and negative images of ethnic minority women and migrant women undermined their ability to better integrate into society.[17]

13. The Working Group of Experts on People of African Descent found that racial profiling by police officials was endemic.[18] It called for effective action against and cessation of any practice of racial profiling by federal and State law enforcement officials. Such action might include amending or repealing section 22 (1) of the Federal Police Act and legally prohibiting discriminatory profiling; establishing independent complaints mechanisms at both the federal and State levels to investigate acts of racial discrimination committed by law enforcement officials; adopting a comprehensive training strategy and vetting system for application during recruitment and throughout the career of law enforcement officials to ensure that law enforcement tasks were performed without racial

profiling or any other methods leading to racial discrimination; and providing specialized training to prosecutors and judges in identifying and characterizing racist hate crimes.[19]

14. The Committee on the Elimination of Racial Discrimination was concerned that the absence of a statutory definition of racial discrimination in line with article 1 of the Convention on the Elimination of All Forms of Racial Discrimination in its domestic legislation had direct implications on the failure of Germany to address adequately racial discrimination against all groups requiring protection under the Convention.[20]

15. The same Committee was greatly concerned about the proliferation and dissemination of racist ideas by certain political parties and movements and the lack of efficient measures that had been taken to sanction strongly and deter such discourses and behaviours. It was concerned that such discourses might promote racially motivated acts, including violence, against groups protected under the Convention. It recommended that Germany increase its efforts and use all possible means to counter and stem the tide of racism, in particular by strongly condemning all racist statements by political leaders, public authorities and public figures, including through the institution of criminal proceedings.[21]

2. Development, the environment, and business and human rights[22]

16. The Committee on the Rights of the Child noted that Germany used a significant amount of coal to produce power and expressed concern about the negative impact of coal emissions on children's health. It recommended that Germany establish a clear regulatory framework for the industries operating in Germany to ensure that their activities did not negatively affect human rights or endanger environmental and other standards, especially those relating to children's rights.[23]

17. The Committee on the Elimination of Discrimination against Women expressed concern about the negative impact of the conduct of transnational companies registered or domiciled in Germany and operating abroad on the rights of women and girls in third countries. It recommended that Germany strengthen its legislation governing the conduct of those corporations in relation to their activities abroad, including by requiring them to conduct human rights and gender impact assessments before making investment decisions.[24] It also recommended that it introduce effective mechanisms to investigate complaints filed against those corporations, with a mandate to, among other things, receive complaints and conduct independent investigations.[25]

18. The Committee on the Rights of the Child expressed concern about the lack of adequate measures taken by Germany against German companies that conducted business abroad and reportedly violated children's rights and other human rights. It recommended that Germany examine and adapt its civil, criminal and administrative legislative framework to ensure that business enterprises and their subsidiaries operating in or managed from the German territory were legally accountable for any violations of children's rights and human rights.[26]

19. The same Committee encouraged Germany to ensure that the realization of children's rights became a top priority in the international cooperation agreements established with developing countries.[27]

B. Civil and political rights

1. Right to life, liberty and security of person[28]

20. The Committee on the Rights of Persons with Disabilities was deeply concerned that Germany did not recognize the use of physical and chemical restraints, solitary confinement and other harmful practices as acts of torture. The Committee was further concerned about the use of physical and chemical restraints on persons with psychosocial disabilities in institutions and on older persons in residential care. It recommended, inter alia, that Germany prohibit the use of such physical and chemical restraints and consider compensation for the victims of those practices.[29]

21. In 2013, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recommended that Germany ensure that the national preventive mechanisms cooperated with the other mechanisms that monitored places of deprivation of liberty in order to seek possible synergies, including in the context of monitoring houses for the elderly.[30]

22. In 2015, the Working Group on Arbitrary Detention expressed concern about the number of persons detained in post-conviction preventative detention and the duration and conditions of such detention.[31] Responsibility for the execution of preventive detention lay with the Länder. States must exercise caution and provide appropriate guarantees in evaluating future dangers.[32] Preventative detention should be a last resort and regular periodic reviews by an independent body must be made to determine whether continued detention was justified.[33] The conditions for detainees held in preventative detention must be distinct from conditions for convicted prisoners serving a punitive sentence and must be aimed at the detainees' rehabilitation and reintegration into society.[34]

23. The Committee on the Elimination of Discrimination against Women was concerned about incidents of hate crimes and attacks on refugees and asylum seekers in shelters and camps, causing injury to women and girls. It recommended that Germany investigate promptly any incidents of hate crimes or attacks against refugee and asylum-seeking women and girls and ensure that the perpetrators were duly prosecuted.[35]

24. While noting the acknowledgment by Germany of the difficulty experienced in effectively investigating the murders committed by the National Socialist Underground, the Committee on the Elimination of Racial Discrimination remained concerned about the continued failure to recognize systemic shortcomings in identifying and addressing the racial motivation behind such acts, which might mask institutional racism.[36]

25. The Committee on the Rights of Persons with Disabilities expressed concern about the widespread practice of involuntary placement of persons with psychosocial disabilities in institutions, the lack of protection of their privacy and the lack of data on their situation. The Committee recommended that Germany prohibit involuntary placement and promote alternative measures.[37]

26. The same Committee was concerned about the use of compulsory and involuntary treatment, particularly for persons with psychosocial disabilities in institutions and older persons in residential care, and the lack of data on involuntary placement and treatment. It was also concerned by the practice of forced sterilization and coercive abortions for adults with disabilities on the basis of substituted consent. It was further concerned by the fact that the bodily integrity of intersex children was not upheld. It recommended that Germany repeal section 1905 of the Civil Code, explicitly prohibit in law sterilization without the full and informed consent of the individual concerned and eliminate all exceptions, including those based upon substituted consent or court approval. The Committee also recommended that Germany ensure all psychiatric treatments and services were always delivered with the free and informed consent of the individual concerned and that it conduct an investigation into human rights violations in psychiatric and older persons' care settings in all Länder.[38]

27. The Committee on Enforced Disappearances noted that Germany was prepared to accept diplomatic assurances to rule out factors, specific to the State and person concerned, that might prevent deportation. It recommended that Germany adopt all the measures necessary to ensure that those diplomatic assurances were effectively evaluated and were not accepted in cases where there were substantial grounds for believing that the person concerned would be in danger of being subjected to enforced disappearance.[39]

2. Administration of justice, including impunity, and the rule of law[40]

28. The Working Group of Experts on People of African Descent welcomed the adoption of the amendment to section 46 of the Criminal Code requiring the consideration of racist motivation as a specific aggravating circumstance when sentencing offenders.[41]

29. The same Working Group recommended that Germany recall its role in the history of colonization, enslavement, exploitation and genocide of Africans and make reparations to address the continued impact of those acts.[42] While noting that Germany had apologized

for the genocide of the Ovaherero and Nama peoples and was conducting targeted development projects in Namibia,[43] the Working Group recommended that Germany ensure those peoples were included in the negotiations that were ongoing between the Governments of Germany and Namibia.[44]

30. The Working Group called for an independent inquiry into the events that had led to the death of Oury Jalloh while in custody and the prosecution of those responsible.[45]

31. The Working Group on Arbitrary Detention noted that data on police violence had shown a discrepancy between the number of criminal proceedings and the number of convictions, which had been attributed to an increased reluctance on the part of officers to incriminate their colleagues, as well as to the difficulty of proving such offences. It recommended that Germany ensure independent, impartial and effective investigation and prosecution in cases of alleged police violence and that the Länder consider the model of independent special commissions, such as that established in Hamburg, which constituted best practice.[46]

32. The same Working Group expressed concern that, with the exception of the police forces in Berlin and Brandenburg, police officers were not obliged to wear identification badges showing their name or number during the exercise of their functions. Even in those two Länder, the obligation to wear a badge could be withdrawn in order to protect the safety and security of the police officers. The Working Group took note of a study commissioned by the Berlin Police that reflected that about 10 per cent of cases of alleged ill-treatment by police officers could not be investigated or prosecuted because the officers allegedly involved had not been wearing any identification. It recommended that Germany ensure that members of the police that were on duty in all Länder were identifiable.[47]

33. The Committee on the Rights of Persons with Disabilities expressed concern about the lack of structures and procedural accommodation within the justice sector for assistance to persons with disabilities, particularly girls who were victims of violence and abuse; the inaccessibility of judicial facilities and lack of understanding of legal professionals with regard to access to justice; and the lack of implementation and enforcement by the judiciary of the standards of the Convention in the national legal system and within court rulings. It recommended that Germany introduce legislative reforms so that the criminal, civil, labour and administrative procedures included the requirement to ensure procedural accommodations for persons with disabilities, taking into particular account persons with intellectual or psychosocial disabilities, deaf-blind persons and children with disabilities. It also recommended that Germany ensure effective training of personnel in the justice, police and prison sectors on the application of human rights standards in relation to persons with disabilities.[48]

3. Fundamental freedoms and the right to participate in public and political life[49]

34. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation was a criminal offence under sections 186–188 of the Criminal Code. It called for Germany to decriminalize defamation and incorporate defamation into the Civil Code in accordance with international standards.[50]

35. The Committee on the Elimination of Discrimination against Women remained concerned that structural barriers and discriminatory stereotypes relating to women's engagement in political and public life continued to exclude women from decision-making positions in elected and appointed positions in public office and within political parties, the judiciary and academia.[51]

36. The Committee on the Rights of Persons with Disabilities was concerned that persons with disabilities were not guaranteed meaningful and effective participation in decision-making related to their lives and that accessible communication was insufficient. It recommended that Germany develop frameworks for the inclusive, comprehensive and transparent participation of organizations representing persons with disabilities, including those experiencing intersectional discrimination, regarding the adoption of legislation, policies and programmes for the implementation and monitoring of the Convention.[52]

4. Prohibition of all forms of slavery[53]

37. While welcoming the measures to combat trafficking, the Committee on the Elimination of Discrimination against Women expressed concern about the lack of a comprehensive strategy, the low rates of prosecution of trafficking cases, the lack of national guidelines for the identification of victims and the lack of systematically organized and harmonized measures for victims' assistance, rehabilitation and reintegration.[54]

38. The Committee on the Rights of the Child welcomed the measures that had been taken to prevent child sex tourism, such as the joint educational campaign to protect children from sexual exploitation in tourism launched with two other countries, and the development of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. The Committee urged Germany to encourage travel enterprises to sign the Code of Conduct.[55]

5. Right to privacy and family life[56]

39. The Committee on the Rights of Persons with Disabilities was concerned that Germany did not provide adequate support for parents with disabilities to bring up their children and exercise their parental rights, and to facilitate the adoption of children with disabilities.[57]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

40. The Working Group of Experts on People of African Descent recommended that Germany provide specific education and training for people of African descent so that they had better job opportunities and that it explore the possibility of affirmative action by way of job quotas. Such opportunities should open up not only the public sector, but also the private sector.[58]

41. The Committee on the Elimination of Discrimination against Women noted with concern that the prevailing gender pay gap continued to have a negative impact on the career development of women and their pension benefits. The Committee recommended that Germany strengthen its efforts to eliminate the gender wage gap and ensure women and men had equal opportunities in the labour market.[59]

42. The Committee on the Elimination of Racial Discrimination expressed concern about reports of discrimination against Muslim women in gaining access to work opportunities. It recommended that Germany strengthen existing measures to improve the integration of ethnic minorities in the labour market and address the structural discrimination they faced.[60]

43. The Committee on the Rights of Persons with Disabilities was concerned about segregation in the labour market, financial disincentives for persons with disabilities that prevented their entry or transition to the open labour market and the fact that segregated, sheltered workshops had failed to prepare workers for or promote transition to the open labour market.[61]

2. Right to social security

44. The Committee on the Elimination of Discrimination against Women recommended that Germany establish a State compensation scheme to provide redress by supplementing the pensions of women who had divorced while living in the former German Democratic Republic.[62]

3. Right to an adequate standard of living

45. The Committee on the Elimination of Racial Discrimination reiterated the concerns about possible indirect discrimination on the grounds of ethnic origin arising from section 19 (3) of the General Equal Treatment Act. Under section 19 (3), landlords could refuse to rent apartments to persons applying for accommodation, with a view to creating and maintaining socially stable residential structures and balanced housing estates or balanced

economic, social and cultural conditions. It was also concerned that the Act exempted landlords with fewer than 50 units. It was concerned at reports of de facto ghettoization of some geographical areas, which had disproportionately higher percentages of people of non-German ethnic origin. It requested that Germany undertake prompt, independent and thorough investigations into all cases of discriminatory practices by private actors, including in relation to discriminatory lending practices, hold those responsible to account and provide effective remedies, including appropriate compensation and guarantees of non-repetition.[63]

46. The Committee on the Elimination of Discrimination against Women expressed concern that women, particularly single mothers, older women, migrant women and women with disabilities, continued to be disproportionately affected by poverty; that a significant number of parents, predominantly fathers, failed to pay child maintenance; and that access to maintenance advances were often limited and onerous, which was a reason why single-female-headed households were at considerable risk of falling into poverty. It recommended that Germany design a sustainable system of child maintenance payment and introduce a means-tested child allowance along with minimum maintenance payments for children after their parents separated or divorced.[64]

4. Right to health

47. The same Committee remained concerned about the disparities among federal states in gaining access to affordable contraceptives for women living in poverty and recommended that Germany ensure that modern contraceptives were accessible, affordable and available throughout the territory of Germany to all women and girls, in particular those living in poverty and/or in remote areas.[65]

48. The Committee on the Rights of Persons with Disabilities was concerned about barriers to gaining access to health care, particularly for asylum seekers and refugees with disabilities.[66]

49. The Committee on the Elimination of Discrimination against Women was concerned about the difficulty that undocumented migrants had in gaining access to non-emergency health care, while attempts to obtain the documentation necessary for non-emergency health services often led to the claimant being reported to the authorities and subsequently deported. It recommended that Germany consider the repeal or amendment of section 87 of the Residence Act and ensure that undocumented migrants were given the same rights to gain access to the documentation necessary for non-emergency health services without the risk of being reported to the authorities and subsequently deported.[67]

50. The same Committee recommended that Germany ensure access to safe abortion without subjecting women to mandatory counselling and a three-day waiting period, which the World Health Organization had declared to be medically unnecessary, and ensure that such procedures were reimbursed through health insurance.[68]

5. Right to education[69]

51. UNESCO noted that the German Constitution of 1949 (as amended in October 2010), known as the Basic Law (*Grundgesetz*) did not spell out an explicit right to education. Legislation on education fell within the competence of the Länder.[70]

52. UNESCO stated that there was a disproportionately high number of students with migrant backgrounds who dropped out of university during their bachelor studies. It recommended that Germany introduce measures to encourage young people with migrant backgrounds to continue their studies, including measures to reduce socioeconomic inequalities that migrants often faced.[71]

53. UNESCO noted that many German schools had introduced activities for refugee children, including German language lessons, homework tutoring or political education, as well as specific preparatory classes aimed at integrating students with migration backgrounds.[72]

54. UNESCO stated that Germany had a general social inclusion policy to promote equal opportunities but did not have a specific strategy to promote equal opportunities for ethnic minorities, including Sinti and Roma. It recommended that Germany adopt measures

to foster the inclusion in the education system of Sinti and Roma communities and other ethnic minorities.[73]

55. The Working Group of Experts on People of African Descent recommended that Germany take measures to address racial discrimination in education and prevent children of African descent from being assigned to lower tracks in a tiered education system, thereby preventing the children from acquiring a university education.[74] It also recommended that it appoint educators of African descent to the commissions of the boards of education that had the responsibility to develop and design school curricula and their contents.[75]

56. The Committee on the Elimination of Racial Discrimination was concerned at reports that the three-tiered education system in Germany, with early selection into separate levels of education, created a bias against students whose mother tongue was not German, led to an overrepresentation of minority students in the lower school stratum and therefore reduced their chances of gaining access to higher studies and employment in Germany. The Committee was also concerned about the high representation of minorities — including Sinti, Roma, persons referred to as "black people" and other intersectional minorities, such as Muslims — in lower level schools and in schools in marginalized areas. The Committee recommended that Germany strengthen its special measures to increase the level of educational attainment of children of ethnic minorities, in particular by preventing their marginalization and reducing dropout rates, and address de facto segregation of ethnic minorities, including Sinti and Roma, in education, taking into account its close relation to discrimination in the fields of housing and employment.[76]

57. The same Committee was concerned that Germany had an education system where the majority of students with disabilities attended segregated special needs schools and recommended that Germany scale down segregated schools to facilitate inclusion and ensure that the law and policies upheld the duty of mainstream schools to enrol children with disabilities with immediate effect if that was their choice.[77]

58. UNESCO stated that because the education system and parts of the public sector — such as the police force and teacher training — fell within the competence of the Länder, human rights education was implemented individually in the different Länder, with their individual curricula. It encouraged Germany to assess the implementation of human rights education in the Länder.[78]

D. Rights of specific persons or groups

1. Women[79]

59. The Committee on the Elimination of Discrimination against Women expressed concern about the significant number of girls, often from migrant families, who had undergone or were at risk of being subjected to female genital mutilation and other harmful practices. The Committee recommended that Germany develop awareness-raising campaigns and that it ensure information was readily available to victims of female genital mutilation, that health and social services professionals were sufficiently trained to identify potential victims and that perpetrators were brought to justice.[80] The Committee on the Rights of the Child raised similar concerns.[81]

60. The Committee on the Elimination of Discrimination against Women expressed concern about the underreporting of gender-based violence to the police and low prosecution and conviction rates. It recommended that Germany encourage women to report incidents of gender-based violence, including domestic violence, and ensure that cases of violence against women were effectively investigated and perpetrators duly prosecuted.[82]

61. The same Committee recommended that Germany ensure that foreign women were not being forced to remain in an abusive marriage, by facilitating the recognition of their particular hardship and granting them an independent right of residence.[83]

62. The Committee on the Rights of Persons with Disabilities expressed concern about the insufficient action that had been taken to prevent and combat discrimination against women and girls with disabilities, particularly migrants and refugees. The Committee recommended that Germany implement programmes for women and girls with disabilities,

particularly migrant and refugee women and girls, to eliminate discrimination in all areas of life.[84]

2. Children[85]

63. The Committee on the Elimination of Discrimination against Women was concerned about legislative provisions allowing marriage under the age of 18 years in exceptional cases and recommended that Germany ensure safeguards to protect girls under the age of 18 years who had been allowed to marry.[86]

64. The Committee on the Rights of the Child regretted that insufficient efforts had been made to tackle the root causes that placed children at risk of becoming victims of the offences under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, such as child poverty and discrimination against children from minority groups and unaccompanied migrant and asylum-seeking children.[87]

65. The same Committee noted with concern that some provisions of the Criminal Code that punished crimes under the Optional Protocol, particularly child pornography, protected children up to the age of 14 only. It recommended that Germany ensure that all children under the age of 18 were fully protected.[88]

66. The Committee was concerned about the insufficient measures for the recovery and reintegration of victims of all offences under the Optional Protocol, particularly for boys and unaccompanied children, including the low number of counselling centres for children affected by child pornography or forced labour in Germany.[89]

67. The Committee expressed concern that children with disabilities and children with a migration background continued to face discrimination, particularly in relation to education and health-care services.[90]

3. Persons with disabilities[91]

68. The Committee on the Elimination of Discrimination against Women was concerned about reports that women with disabilities, particularly those in residential institutions, were two to three times more likely to be exposed to violence than other women. The Committee recommended that Germany establish an independent mechanism to monitor cases of violence and abuse in institutions for persons with disabilities, ensuring that such a body was provided with the human, technical and financial resources necessary to implement fully its mandate.[92] The Committee on the Rights of Persons with Disabilities raised similar concerns.[93]

69. The same Committee was concerned that current legislation did not contain a definition of reasonable accommodation and that the denial of such accommodation was not considered a form of discrimination. The Committee recommended that Germany develop protection against discrimination for persons with disabilities, including intersectional discrimination, as a comprehensive, cross-cutting right in domestic legislation, including at the Land level, and collect relevant data on case law.[94]

70. The Committee expressed concern about access to the national emergency call system, especially for deaf persons, and the absence of a specific strategy for the inclusion of persons with disabilities in disaster risk reduction and humanitarian relief. The Committee recommended that Germany establish uniform emergency control centres across Germany, including modern protocols for deaf persons.[95]

71. The Committee was concerned that Germany had not acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.[96]

4. Minorities and indigenous peoples[97]

72. The Committee on the Elimination of Racial Discrimination was concerned about the persistent discrimination faced by members of the Sinti and Roma communities regarding access to housing, education, employment and health care, to which current public measures did not adequately respond.[98]

73. The Working Group of Experts on People of African Descent stated that people of African descent were not been recognized as a significant minority, deserving specific action, within the German population.[99] The Working Group recommended that Germany recognize under law people of African descent as a minority group.[100]

5. Migrants, refugees, asylum seekers and internally displaced persons[101]

74. The Committee on the Elimination of Discrimination against Women commended Germany on its significant and generous efforts in receiving high numbers of asylum seekers and refugees forced to flee their countries throughout 2015 and early 2016. The humanitarian leadership and commitment demonstrated by Germany, at a critical moment for refugee protection in Europe, had set an impressive example in terms of credibility, respect for international human rights standards and international protection.[102]

75. The Working Group of Experts on People of African Descent recommended that Germany align relevant legislation with international human rights law in order to respect asylum seekers' human rights, including their right to health in all states. Germany should ensure respect for that the human rights of migrant workers, including those who were undocumented, as guaranteed by international human rights law.[103]

76. The Committee on the Rights of the Child welcomed the withdrawal by Germany of its declaration made on article 22 of the Convention on the Rights of the Child and noted that it had hosted thousands of asylum-seeking children and refugee children from many countries. However, it remained concerned that the deficiencies in the identification of child soldiers or children who had escaped forced recruitment, as well as the rejection of asylum applications in such cases, prevented an adequate assessment from being made of their protection needs and also prevented them from receiving the appropriate attention.[104]

77. The Committee on the Elimination of Discrimination against Women was concerned that refugee and asylum-seeking women and girls had limited access to integration and language courses, which were accessible only to those refugees with prospects of remaining in Germany and/or recognized refugees.[105]

78. The Working Group on Arbitrary Detention recommend that Germany revise its Asylum Procedure Act to extend the one-week time limit to challenge an order for deportation and submit a legal remedy and to allow suspensive orders in case of transfers of asylum seekers to any State bound by the Dublin II Regulation. Deportation should not be permissible before a court decision was handed down.[106]

79. The same Working Group recommended that Germany guarantee access to independent, qualified and free-of-charge counselling for asylum seekers before hearings, as well as legal aid after a negative decision.[107]

80. The Committee on the Elimination of Racial Discrimination remained concerned about the increase in violent attacks targeting asylum seekers and so-called tolerated migrants who were, by law, restricted in their freedom of movement and were often compelled to remain in shared accommodation structures, which increased their vulnerability to human rights violations.[108]

6. Stateless persons[109]

81. The Committee on the Rights of the Child welcomed the developments in Germany in terms of birth registration of all national and foreign children, including children of refugees and asylum seekers. However, it was concerned about the remaining practical difficulties in obtaining birth certificates for newborn babies with irregular residence status, given that the registry officials responsible for issuing the certificates were required to check residence status and communicate their findings to the immigration authorities.[110]

Notes

[1] For relevant recommendations, see A/HRC/24/9, paras. 124.1–124.24, 124.26, 124.30, 124.49 and 124.63.
[2] See CEDAW/C/DEU/CO/7-8, para. 54; CERD/C/DEU/CO/19-22, para. 22; and CRC/C/DEU/CO/3-4, para. 80.
[3] See A/HRC/36/60/Add.2, para. 69.
[4] Ibid. See also CRC/C/DEU/CO/3-4, para. 80.
[5] See OHCHR, "Funding", in *OHCHR Report 2013*, pp. 131, 135, 165 and 167–169; *OHCHR Report 2014*, pp. 67, 96, 98 and 101–103; *OHCHR Report 2015*, pp. 61, 65, 94, 96, 99 and 100; and *OHCHR Report 2016*, pp. 78, 84, 110, 116 and 126.
[6] For relevant recommendations, see A/HRC/24/9, paras. 124.25, 124.27, 124.42, 124.57, 124.43–124.46 and 124.124.
[7] See A/HRC/36/60/Add.2, paras. 72 and 74.
[8] Ibid., para. 71.
[9] See CEDAW/C/DEU/CO/7-8, paras. 27–28.
[10] For relevant recommendations, see A/HRC/24/9, paras. 124.33, 124.64–124.116, 124.68, 124.69, 124.76–124.78, 124.70, 124.81, 124.85, 124.112, 124.113, 124.154, 124.111, 124.91, 124.107, 124.108 and 124.110.
[11] See A/HRC/36/60/Add.2, para. 75.
[12] See CERD/C/DEU/CO/19-22, para. 16.
[13] See A/HRC/36/60/Add.2, para. 52.
[14] See CEDAW/C/DEU/CO/7-8, para. 13.
[15] Ibid., para. 17.
[16] Ibid., para. 52.
[17] Ibid., para. 21.
[18] See A/HRC/36/60/Add.2, para. 25.
[19] Ibid., para. 78.
[20] See CERD/C/DEU/CO/19-22, para. 7.
[21] Ibid., para. 9.
[22] For relevant recommendations, see A/HRC/24/9, paras. 124.198–124.200.
[23] See CRC/C/DEU/CO/3-4, paras. 22–23.
[24] See CEDAW/C/DEU/CO/7-8, paras. 15–16.
[25] Ibid.
[26] See CRC/C/DEU/CO/3-4, paras. 22–23.
[27] Ibid., para. 21.
[28] For relevant recommendations, see A/HRC/24/9, paras. 124.123, 124.125, 124.127–124.130, 124.134, 124.144 and 124.188.
[29] See CRPD/C/DEU/CO/1, paras. 33–34.
[30] See CAT/OP/DEU/1, para. 22; CAT/OP/DEU/2, para. 21. See also CAT/OP/DEU/1/Add.1 and CAT/OP/DEU/2/Add.1.
[31] See A/HRC/30/36/Add.1, para. 18.
[32] Ibid., paras. 22 and 26.
[33] Ibid., para. 75.
[34] Ibid., para. 76.
[35] See CEDAW/C/DEU/CO/7-8, paras. 25–26.
[36] See CERD/C/DEU/CO/19-22, para. 10.
[37] See CRPD/C/DEU/CO/1, paras. 29–30.
[38] Ibid., paras. 37–38.
[39] See CED/C/DEU/CO/1, paras. 16–17.
[40] For the relevant recommendation, see A/HRC/24/9, para. 124.126.
[41] See A/HRC/36/60/Add.2, para. 51. See also CERD/C/DEU/CO/19-22, para. 4.
[42] See A/HRC/36/60/Add.2, para. 61.
[43] Ibid., para. 53.
[44] Ibid., para. 61.
[45] Ibid., para. 76.
[46] See A/HRC/30/36/Add.1, paras. 15 and 91.
[47] Ibid., paras. 16 and 92.
[48] See CRPD/C/DEU/CO/1, paras. 27–28.
[49] For relevant recommendations, see A/HRC/24/9, paras. 124.39, 124.40, 124.151, 124.168, 124.50, 124.152, 124.172, 124.149, 124.157 and 124.160.
[50] See UNESCO submission for the universal periodic review of Germany, paras. 5 and 19.
[51] See CEDAW/C/DEU/CO/7-8, para. 31.
[52] See CRPD/C/DEU/CO/1, paras. 9–10.

53 For relevant recommendations, see A/HRC/24/9, paras. 124.138–124.141 and 124.147.
54 See CEDAW/C/DEU/CO/7-8, para. 29.
55 See CRC/C/OPSC/DEU/CO/1, paras. 21–22.
56 For the relevant recommendation, see A/HRC/24/9, para. 124.165.
57 See CRPD/C/DEU/CO/1, para. 43.
58 See A/HRC/36/60/Add.2, para. 89.
59 See CEDAW/C/DEU/CO/7-8, paras. 35–36.
60 See CERD/C/DEU/CO/19-22, para. 14.
61 See CRPD/C/DEU/CO/1, para. 49.
62 See CEDAW/C/DEU/CO/7-8, para. 50.
63 See CERD/C/DEU/CO/19-22, para. 12.
64 See CEDAW/C/DEU/CO/7-8, paras. 39–40.
65 Ibid., paras. 37–38.
66 See CRPD/C/DEU/CO/1, para. 47.
67 See CEDAW/C/DEU/CO/7-8, paras. 37–38.
68 Ibid., para. 38.
69 For the relevant recommendation, see A/HRC/24/9, para. 124.170.
70 See UNESCO submission, para. 1.
71 Ibid., paras. 14–16 and 18 (1).
72 Ibid., para. 15.
73 Ibid., paras. 17 and 18 (2).
74 See A/HRC/36/60/Add.2, para. 85.
75 Ibid., para. 86.
76 See CERD/C/DEU/CO/19-22, para. 13.
77 Ibid., paras. 45–46.
78 See UNESCO submission, para. 18.
79 For relevant recommendations, see A/HRC/24/9, paras. 124.35, 124.36, 124.73, 124.133–24.136, 124.137, 124.158, 124.161–124.164, 124.119, 124.74 and 124.156.
80 See CEDAW/C/DEU/CO/7-8, paras. 23–24.
81 See CRC/C/DEU/CO/3-4, paras. 38–39.
82 See CEDAW/C/DEU/CO/7-8, paras. 25–26.
83 Ibid., para. 26.
84 See CRPD/C/DEU/CO/1, paras. 15–16.
85 For relevant recommendations, see A/HRC/24/9, paras. 124.32, 124.37, 124.132 and 124.142.
86 See CEDAW/C/DEU/CO/7-8, paras. 23–24.
87 See CRC/C/OPSC/DEU/CO/1, para. 19.
88 Ibid., paras. 25–26.
89 Ibid., para. 35.
90 See CRC/C/DEU/CO/3-4, paras. 24–25.
91 For relevant recommendations, see A/HRC/24/9, paras. 124.173–124.178.
92 See CEDAW/C/DEU/CO/7-8, paras. 25–26.
93 See CRPD/C/DEU/CO/1, paras. 35–36.
94 Ibid., paras. 13–14.
95 Ibid., paras. 23–24.
96 Ibid., para. 55.
97 For relevant recommendations, see A/HRC/24/9, paras. 124.56, 124.179, 124.192 and 124.180–124.182.
98 See CERD/C/DEU/CO/19-22, para. 17.
99 See A/HRC/36/60/Add.2, para. 47.
100 Ibid., para. 66.
101 For relevant recommendations, see A/HRC/24/9, paras. 124.28, 124.31, 124.38, 124.184–124.187, 124.189–124.191 and 124.193–124.194.
102 See CEDAW/C/DEU/CO/7-8, para. 7.
103 See A/HRC/36/60/Add.2, para. 91.
104 See CRC/C/DEU/CO/3-4, para. 68.
105 See CEDAW/C/DEU/CO/7-8, paras. 33–34.
106 See A/HRC/30/36/Add.1, para. 89.
107 Ibid., para. 90.
108 See CERD/C/DEU/CO/19-22, para. 18.
109 For the relevant recommendation, see A/HRC/24/9, para. 124.55.
110 See CRC/C/DEU/CO/3-4, para. 28.